

AN ACT TO PROVIDE FOR THE ORGANIZATION AND MAINTENANCE OF A STATE POLICE FORCE.

Commonwealth Act No. 88, October 26, 1936

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Be it enacted by the National Assembly of the Philippines:

SECTION 1. For the proper maintenance of law and order throughout the country, all the duly constituted police forces in all the municipalities and other local political subdivisions, including chartered cities, and all provincial guard organizations in the provinces, on the date of the approval of this Act, are hereby consolidated and placed under the immediate charge and direction of the Department of the Interior, and thereafter they shall be called the State Police and shall assume all the functions and activities now undertaken by the municipal police forces. The members of the State Police shall be peace officers and as such it shall be their duty to preserve order and exercise vigilance in the prevention of public offenses. They shall exercise the general power to make arrests and seizures according to law.

In places where there is no fire department, the State Police force shall organize and render service as such.

SEC. 2. There shall be a Commissioner of Public Safety and three Assistant Commissioners of Public Safety of the State Police in the Department of the Interior. The Commissioner of Public Safety shall have the rank and salary of an Undersecretary of Department, and shall be appointed by the President, with the consent of the Commission on Appointments of the National Assembly. He shall be the chief executive officer of the organization and of all fire departments, and the three Assistant Commissioners of Public Safety shall perform such duties as may be assigned to them by the Commissioner of Public Safety and such as may be imposed upon them by law. When the Commissioner of Public Safety is unable to perform his duties on account of illness, absence, or other cause, or, in case of vacancy in the office, the Department Head may designate one of the Assistant Commissioners of Public Safety to temporarily perform the functions of said office. The Assistant Commissioners of Public Safety shall each receive a salary of four thousand pesos per annum. The Commissioner of Public Safety shall be directly responsible to the Secretary of the Interior for the strict and faithful enforcement of the law and maintenance of order throughout the country and shall have the power to promulgate, with the approval of the Department Head and the President of the Philippines, the necessary rules and regulations not inconsistent with existing laws for the proper government, discipline, inspection and admission to examination of the members of the State Police force, prescribing the subject for such examination which shall be held under the direction of the Bureau of Civil Service; prescribe the uniforms, Insignia, arms and equipment to be used by the police force; and organize such rural police as may be necessary. Such rules and regulations as may be promulgated in pursuance hereof shall have the force and effect and compliance therewith shall be obligatory. Appointments to the State Police force and removal therefrom shall be made in accordance with civil service rules and regulations, by the Commissioner of Public Safety with the approval of the Department Head, except in the case of the chiefs of police of chartered cities where the existing laws shall govern: Provided, however, That any member of the Municipal Police force and Provincial Guard who is not qualified under civil service rules and regulations shall continue in the service for the term of one year from January 1, 1937; provided, further, That they shall be given three chances to qualify: And provided, finally, That in the appointment of members of the

Municipal Police force and Provincial Guards, preference shall be given to qualified residents in their respective municipalities and/or provinces.

In the absence or inability of the Secretary of the Interior, the Commissioner of Public Safety shall act in his place in matters pertaining to the State Police.

SEC. 3. All municipal appropriations for the support of the municipal police force in the respective municipalities and other local political subdivisions including chartered cities, and the provincial appropriations in the respective provinces for the support of the provincial guard organizations for the year nineteen hundred and thirty-six are hereby consolidated, and continued from year to year, and made available for expenditure by the Commissioner of Public Safety for the support of the organization. The municipality or other local political subdivision including chartered cities and provinces desiring to increase the force as signed to it by the Commissioner of Public Safety may do so by appropriating the necessary funds for the support and maintenance thereof.

SEC. 4. There is hereby appropriated out of any funds in the Philippine Treasury not otherwise appropriated the sum of fifty thousand pesos for the payment of the salaries of the Commissioner of Public Safety, the Assistant Commissioners of Public Safety and personnel and such other incidental expenses as may be deemed necessary to carry into effect the purposes of this Act.

SEC. 5. The Secretary of the Interior with the approval of the President of the Philippines, is hereby authorized, the provisions of existing laws to the contrary notwithstanding, to make such reforms and changes in the present organization of the municipal and city police forces in the country, including provincial guard organizations, as may be necessary to conform with the provisions of this Act, with power to classify, create and combine positions, transfer equipment or property from one municipality to another or from the province to a municipality and vice versa; standardize salaries; transfer the members of the State Police force from one municipality to another; eliminate unnecessary personnel; and do whatever is necessary to promote efficiency in the organization. Any action taken by the Secretary of the Interior pursuant to this authority shall be reported by him, through the President of the Philippines, to the National Assembly for approval at the next regular session thereof. Such action shall be valid and subsisting until the National Assembly shall provide otherwise: Provided, That in the preservation of peace and order, as well as in the execution of laws, regulations, and ordinances, the provincial governors, the city mayors and the municipal presidents shall continue to exercise supervisory powers over the State Police force in their respective provinces, cities and municipalities.

SEC. 6. This Act shall take effect on its approval.

Approved, October 26, 1936.

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